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Statement submitted by Aboriginal and Torres Strait Islander Corporation Family Violence Prevention and Legal Service (Victoria), a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31.

* E/2014/1/Rev.1, annex II.

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Statement

Aboriginal people are disproportionately overrepresented as victims of family violence. While available data is limited, we know that Aboriginal women in Australia are 34 times more likely to be hospitalized as a result of injuries caused by assault than non-Aboriginal women.

Family violence has broad impacts, including on Aboriginal women's imprisonment rates, child protection interventions and physical and mental health. Given the complexity of these issues, legal support is critical. There is strong evidence of the importance of legal services in addressing family violence in the long term, especially the use of protection orders and victims compensation. The effectiveness of protection orders is enhanced by victims having legal representation, advice and advocacy.

Aboriginal people face numerous barriers in accessing justice and in particular mainstream legal services. In 2009, in its report on access to justice, the Australian Senate acknowledged the ongoing chronic disadvantage of Aboriginal women and found that Aboriginal people's access to justice was compromised by a lack of properly funded Aboriginal legal services. It also noted that people living in regional, rural and remote areas were particularly disadvantaged. However, the decision to restrict family violence prevention and legal services to rural and remote locations also puts at a disadvantage Aboriginal people living in urban areas who are in effect abandoned to mainstream services, without adequately addressing issues of access, flexibility and relevance.

Despite these reports, government policy fails to recognize the multiple and complex barriers that prevent Aboriginal people from accessing the legal system. Culturally safe family violence prevention and legal services continue to be chronically underfunded and restricted to providing services in a limited number of regional and remote locations around Australia, leaving large geographic gaps in coverage. A recent report commissioned by a government department stated that the family violence prevention and legal services units collectively service an area that covers approximately half the indigenous population, though much of this coverage in remote areas is extremely limited and often consists of one or two days per month.

At a time when rates of family violence are escalating, Aboriginal women's and children's safety is being threatened by the Government's failure to address gaps in access to justice. With approximately one third of the Aboriginal population living in capital cities, and a further 25 per cent living in inner regional areas, the restriction means large numbers of Aboriginal victims/survivors of family violence in urban and inner regional areas cannot access specialist culturally safe family violence legal services.

There are also a number of rural and remote areas with very high needs that do not receive adequate levels of service to meet demand. With only 31 rural and remote locations serviced, many such communities continue to miss out. Even where family violence prevention and legal services are located, the funding provided is insufficient to meet the much higher cost of delivering services remotely and the complex needs of remote communities.

It is the responsibility of Governments to provide protection and access to support and intervention services. The Committee on the Elimination of Discrimination against Women has highlighted that Aboriginal and Torres Strait Islander women have limited access to legal services and called on the Government to fund culturally safe Aboriginal women's legal services in urban, rural and remote areas of Australia.